

**MINUTES OF THE  
MARICOPA ASSOCIATION OF GOVERNMENTS  
REGIONAL COUNCIL MEETING**

October 28, 2009  
MAG Office, Saguaro Room  
Phoenix, Arizona

**MEMBERS ATTENDING**

Councilwoman Peggy Neely, Phoenix, Chair	* Mayor Yolanda Solarez, Guadalupe
Mayor Thomas Schoaf, Litchfield Park,	Supervisor Mary Rose Wilcox, Maricopa Co.
Vice Chair	Mayor Scott Smith, Mesa
# Councilwoman Robin Barker, Apache Junction	Vice Mayor Jini Simpson for Mayor Vernon
Mayor Marie Lopez Rogers, Avondale	Parker, Paradise Valley
Mayor Jackie Meck, Buckeye	# Mayor Bob Barrett, Peoria
# Mayor David Schwan, Carefree	+ Mayor Arthur Sanders, Queen Creek
Councilman Dick Esser, Cave Creek	* President Diane Enos, Salt River
* Mayor Boyd Dunn, Chandler	Pima-Maricopa Indian Community
# Mayor Michele Kern, El Mirage	# Mayor Jim Lane, Scottsdale
* President Clinton Pattea, Fort McDowell	# Mayor Lyn Truitt, Surprise
Yavapai Nation	Mayor Hugh Hallman, Tempe
* Mayor Jay Schlum, Fountain Hills	* Mayor Adolfo Gamez, Tolleson
* Mayor Ron Henry, Gila Bend	# Mayor Kelly Blunt, Wickenburg
Lt. Governor Joseph Manuel for Governor	# Mayor Michael LeVault, Youngtown
William Rhodes, Gila River Indian Community	Felipe Zubia, State Transportation Board
Vice Mayor Linda Abbott for Mayor John	* Victor Flores, State Transportation Board
Lewis, Gilbert	Roc Arnett, Citizens Transportation Oversight
* Mayor Elaine Scruggs, Glendale	Committee
# Mayor James M. Cavanaugh, Goodyear	

\* Those members neither present nor represented by proxy.

# Attended by telephone conference call.

+ Attended by videoconference call.

1. Call to Order

The meeting of the MAG Regional Council was called to order by Chair Peggy Neely at 5:09 p.m.

2. Pledge of Allegiance

Councilman Esser led the Pledge of Allegiance.

Chair Neely noted that Councilwoman Robin Barker, Mayor Bob Barrett, Mayor Kelly Blunt, Mayor Michele Kern, Mayor Jim Lane, Mayor Michael LeVault, Mayor David Schwan, and Mayor Lyn Truitt

were participating by teleconference and Mayor Art Sanders was participating by videoconference. Chair Neely introduced proxies for the meeting: Vice Mayor Linda Abbott for Mayor John Lewis, Vice Mayor Jini Simpson for Mayor Vernon Parker, and Lt. Governor Joseph Manuel for Governor William Rhodes.

Chair Neely announced that the Transportation Policy Committee recommended approval of the requested amendments and administrative modifications in agenda item #5C. She noted materials at each place: for agenda item #5H, the final list of recommended projects for the Continuum of Care Consolidated Application to the Department of Housing and Urban Development and for agenda item #6, the revised motion recommended for approval by the Transportation Policy Committee.

Chair Neely requested that members of the public who would like to comment fill out a blue public comment card for Call to the Audience or a yellow public comment card for Consent Agenda items or items on the agenda for action. Parking garage validation and transit tickets for those who used transit to attend the meeting were available.

Chair Neely presented a Resolution of Appreciation to Mesa Fire Chief Harry Beck for his service to the MAG region as Chair of the MAG 9-1-1 Oversight Team for the past ten years. She requested that Mayor Scott Smith read the Resolution, which was then presented to Chief Beck. Chief Beck received a standing ovation from the Regional Council and the audience. Chair Neely stated that Chief Beck's contribution to the MAG region was a wonderful achievement.

### 3. Call to the Audience

Chair Neely noted that public comment cards were available to members of the audience who wish to speak on items not scheduled on the agenda that fall under the jurisdiction of MAG, or on items on the agenda for discussion but not for action. Citizens are requested to not exceed a three minute time period for their comments. A total of 15 minutes is provided for the Call to the Audience agenda item, unless the Regional Council requests an exception to this limit. Those wishing to comment on agenda items posted for action will be provided the opportunity at the time the item is heard.

Chair Neely recognized public comment from William Teske, who noted that the last MAG meeting he attended was 35 years ago. Mr. Teske is a long-time Scottsdale resident, who attended Scottsdale High School, Phoenix College, was in the first graduating class at Glendale Community College, attended Arizona State University and graduated from Ottawa University. Mr. Teske recalled an effort when he was about 19 years old to beautify the Salt River bottom which never took off. He stated that there are problems in Tempe with the dam and the waterfront towers, but he was not here to complain, but to offer a solution to monetary problems. Mr. Teske proposed that the Regional Council consider hosting a World's Fair in 2012 at no cost to taxpayers. He noted that 2012 will be the 100th anniversary of Arizona's statehood and recalled that he was here for the 50th anniversary celebration in 1963. Mr. Teske provided copies of his proposal to MAG. Chair Neely thanked Mr. Teske for his comments and noted that the Regional Council could not respond to him because they were in the public forum, but staff would provide his material to members. Chair Neely also noted that MAG had Mr. Teske's contact information and would provide it to those interested.

#### 4. Executive Director's Report

Dennis Smith, MAG Executive Director, reported on items of interest in the MAG region. Mr. Smith noted upcoming events: the MAG Certification Review of MAG's planning process and the MAG 2010 Performance Audit. He stated that the Certification Review, which is federally required to occur every four years, is scheduled for November 3-5, 2009. He reported that MAG has been working on the roles and responsibilities of MAG, Regional Public Transportation Authority (RPTA), Valley Metro Rail, and the City of Phoenix as the Designated Recipient of federal transit funds in preparation for the review. Mr. Smith stated that on September 21, 2009, the Executive Committee recommended having MAG assume transit programming responsibilities, initiated a review of the Trip Reduction Program, Regional Rideshare Program and Air Quality Education Programs to encourage more coordination of the programs, and formed a Transit Committee. Mr. Smith stated that for the 2010 Performance Audit, the Office of the Auditor General has notified MAG that they have begun advanced scoping work to contract for a performance audit of the Regional Transportation Plan.

Mr. Smith stated that MAG recently teamed with ECotality and Nissan North America to help introduce electric vehicles in the Sun Corridor. He noted that ETEC, a subsidiary of ECotality, received a \$99.8 million grant from the U.S. Department of Energy to undertake the largest deployment of electric vehicles and charging infrastructure in U.S. history. Mr. Smith encouraged the attendance of member agency staff at the one-half day workshop that MAG has tentatively scheduled for December 10, 2009, to inform the MAG member agencies how they can participate in this new technology.

Mr. Smith stated that the National Association of Regional Councils Executive Directors Conference was held October 4-6, 2009, at the Sheraton Hotel in downtown Phoenix. He remarked that more than 120 people attended this conference, which broke the previous attendance record. Mr. Smith extended his appreciation to Chair Peggy Neely, Mayor Marie Lopez Rogers, Mayor Scott Smith, and Mr. Felipe Zubia. Mr. Smith thanked City of Mesa staff for their assistance in having Denver Mayor Hickenlooper attending the conference. He commented that the conference was an outstanding success.

Mr. Smith noted two recent vacancies that have occurred on the Transportation Policy Committee. He noted that Mr. Eneas Kane, Executive Vice President and Chief Operating Officer for DMB Properties, an appointment of the Speaker of the House, announced his resignation from the Transportation Policy Committee, effective December 31, 2009. Mr. Smith stated that according to state law, the Chair of the Regional Planning Agency may submit names to the Speaker for consideration in appointing a representative to fill the vacancy, and a memorandum was sent to members requesting that names be submitted to MAG by November 20, 2009. He added that potential candidates must represent regionwide business. Mr. Smith noted that Councilman Gail Barney from the Town of Queen Creek, recently announced his resignation from the Town Council to run for Mayor, and this creates a vacancy on the Transportation Policy Committee for an At-Large member. Mr. Smith explained that according to the composition of the TPC, approved by the Regional Council, the At-Large seats are geographically balanced, with I-17 used as a boundary in determining geographic balance. He added that recommendations on both seats are anticipated at the December 9, 2009 Regional Council meeting.

Mr. Smith stated that during October, which is Domestic Violence Awareness Month, the MAG Regional Domestic Violence Council is celebrating its tenth anniversary. He noted that the Council was formed after a woman was murdered by her husband after she was turned away from shelters three times because there was no room for her and her children. Mr. Smith called attention to the 3-D timeline of the achievements of the Domestic Violence Council that was set up in the second floor lobby. Chair Neely extended her congratulations to staff for the efforts on Domestic Violence Month. She thanked Mr. Smith for his report. No questions for Mr. Smith from the Council were noted.

5. Approval of Consent Agenda

Chair Neely noted that agenda items #5A, #5B, #5C, #5D, #5E, #5F, #5G, #5H, and #5I were on the Consent Agenda. He noted that no public comment cards had been received. Chair Neely asked members if they had questions or requests to hear an item individually. No requests were noted.

Mayor Hallman moved to approve the Consent Agenda. Mayor Smith seconded, and the motion passed unanimously.

5A. Approval of the September 30, 2009, Meeting Minutes

The MAG Regional Council, by consent, approved the September 30, 2009, meeting minutes.

5B. 2009 Annual Report on Status of the Implementation of Proposition 400

A.R.S. 28-6354 requires that MAG issue an annual report on the status of regional transportation projects included in Proposition 400, which was approved by the voters in Maricopa County in November 2004. The 2009 Annual Report is the fifth report in this series and covers the status of the Life Cycle Programs for Freeways/Highways, Arterial Streets, and Transit. A Summary of Findings and Issues is included in the attached material and the full report is available on the MAG website. This item was on the agenda for information and discussion.

5C. Project Changes – Amendments and Administrative Modifications to the FY 2008-2012 MAG Transportation Improvement Program

The MAG Regional Council, by consent, approved amendments and administrative modifications to the FY 2008-2012 Transportation Improvement Program, and as appropriate, to the Regional Transportation Plan 2007 Update as shown in the attached tables. The FY 2008-2012 Transportation Improvement Program (TIP) and Regional Transportation Plan 2007 Update were approved by the MAG Regional Council on July 25, 2007. Since that time, there have been requests from member agencies to modify projects in the programs. The proposed amendments and administrative modifications to the FY 2008-2012 TIP include requests to change locations for two CMAQ funded projects, new pavement preservation projects by the Arizona Department of Transportation (ADOT), and financial changes including amounts and type of funds for ADOT projects. Projects funded with the American Recovery and Reinvestment Act (ARRA) funds are included in these requested changes. On October 1, 2009, the Transportation Review Committee (TRC) recommended approval of amendments and administrative

modifications to the FY 2008-2012 Transportation Improvement Program, and as appropriate, to the Regional Transportation Plan 2007 Update. Since the TRC met, there have been three additional project change requests from ADOT regarding right of way purchases. This request will not affect the current life cycle program cash flow. The Management Committee and the Transportation Policy Committee recommended approval of all of the requested changes.

5D. Arterial Life Cycle Program Status Report

A Status Report on the Arterial Life Cycle Program (ALCP) was provided for the period between April and September 2009 and included an update on ALCP Project work, the remaining Fiscal Year 2010 ALCP schedule, program deadlines, and program revenues and finances. This item was on the agenda for information.

5E. Conformity Consultation

The Maricopa Association of Governments conducted consultation on a conformity assessment for an amendment and administrative modification to the FY 2008-2012 MAG Transportation Improvement Program (TIP). The proposed amendment and administrative modification involves several projects, including six new Arizona Department of Transportation projects. The amendment includes projects that are exempt from a conformity determination and the administrative modification includes minor project revisions that do not require a conformity determination. Comments on the conformity assessment were requested by October 23, 2009. This item was on the agenda for consultation.

5F. Additional Funding for a Sweeper on the Approved Prioritized List of Proposed PM-10 Certified Street Sweeper Projects for FY 2009 CMAQ Funding

The MAG Regional Council, by consent, approved additional funding for a sweeper on the Approved Prioritized List of Proposed PM-10 Certified Street Sweeper Projects for FY 2009 CMAQ Funding. On January 28, 2009, the MAG Regional Council approved a Prioritized List of Proposed PM-10 Certified Street Sweeper Projects for FY 2009 CMAQ funding and retained the prioritized list for any additional FY 2009 CMAQ funds that may become available due to year-end closeout, including any redistributed obligation authority, or additional funding received by this region. On September 18, 2009, the Arizona Department of Transportation (ADOT) notified MAG that ADOT would not continue with their street sweeper project for FY 2008 CMAQ funding. With the deletion of the ADOT sweeper project and associated savings of \$166,491, the remaining \$52,281 for Buckeye sweeper #1 from the approved Prioritized List may now be funded. The Management Committee recommended approval of additional funding for a sweeper from the approved Prioritized List.

5G. MAG FY 2011 PSAP Annual Element/Funding Request and FY 2011-2015 Equipment Program

The MAG Regional Council, by consent, approved the MAG FY 2011 PSAP Annual Element/Funding Request and FY 2011-2015 Equipment Program for submittal to the Arizona Department of Administration. Each year, the Public Safety Answering Point (PSAP) Managers submit inventory and upgrade requests that are used to develop a five year equipment program that forecasts future 9-1-1

equipment needs of the region and will enable MAG to provide estimates of future funding needs to the Arizona Department of Administration (ADOA). The ADOA Order of Adoption stipulates allowable funding under the Emergency Telecommunications Services Revolving Fund. The MAG 9-1-1 PSAP Managers, the MAG 9-1-1 Oversight Team, and the MAG Management Committee recommended approval of the MAG FY 2011 PSAP Annual Element/Funding Request and FY 2011-2015 Equipment Program.

5H. Application Process for the 2009 U.S. Department of Housing and Urban Development Stuart B. McKinney Funds for Homeless Assistance Programs

On December 8, 1999, the MAG Regional Council approved MAG becoming the responsible entity for a year-round homeless planning process which includes submittal of the U.S. Department of Housing and Urban Development (HUD) Stuart B. McKinney Continuum of Care Consolidated Application for the MAG region. The Continuum of Care grant supports permanent and transitional housing as well as supportive services. A total of \$172 million has been awarded to the region since 1999. Last year, the region received more than \$24.5 million for 53 projects serving homeless individuals and families. The 2009 federal application was released on September 25, 2009 and the Continuum of Care consolidated application is due to HUD on November 9, 2009. The Ranking and Review Panel provided a draft list of all new and renewal applicants requesting funds during this application process to the MAG Management Committee for information. Project applications were due to the Ranking and Review Panel on October 26, 2009. The final list of recommended projects was provided to the MAG Regional Council for information on October 28, 2009. Approval of the final consolidated application by the MAG Continuum of Care Regional Committee on Homelessness is expected on November 3, 2009. This item was on the agenda for information.

5I. Social Services Block Grant Amendment

The MAG Regional Council, by consent, approved amending the Social Services Block Grant (SSBG) Plan to transfer funding of \$177,775 from the elderly supportive intervention/guidance counseling line item to the elderly home care line item and to send the revised SSBG allocation recommendations for FY 2010 to the Arizona Department of Economic Security. The Social Services Block Grant allocation recommendations were approved by MAG Regional Council in February 2009. In June 2009, MAG received a request from the Area Agency on Aging (AAA) to move \$177,775 from the elderly supportive intervention/guidance counseling line item to the elderly home care line item. The request to move funding will assist AAA to maximize the funding that remains after State budget reductions. During the process to develop the original allocations, the MAG Human Services Technical and Coordinating Committees determined elderly supportive intervention/ guidance counseling to be a low priority service and elderly home care to be a high priority service. The MAG Human Services Technical Committee, the MAG Management Committee, and the MAG Human Services Coordinating Committee recommended approval of the transfer of funds.

6. Update on the American Recovery and Reinvestment Act (ARRA) of 2009: Reallocation of Unused Local/MPO ARRA Funds – Policy Options

Eileen Yazzie, MAG Transportation Programming Manager, provided a briefing on the American Recovery and Reinvestment Act (ARRA) reallocation of unused Local/MPO ARRA funds and policy options. Ms. Yazzie noted that this month the focus is on the reallocation of unobligated MPO/Local ARRA funds and policy options. She stated the three types of ARRA funds that came to the MAG region – Highway Discretionary, MPO/Local, and Transit – totaled about \$300 million.

Ms. Yazzie noted that at each place was the action recommended by the Transportation Policy Committee, which was modified from the requested action shown in the Regional Council agenda, to include language requested by member agencies. She indicated that the modification was shown in bold underline: “Approve that MAG staff explore **and the TRC further review** the following uses for the reallocation of unobligated ARRA be considered, with the priorities for the uses be set next month based on further consideration.”

Ms. Yazzie stated that items one, two, and three in the recommended action are relevant to local projects: 1. Additional ARRA funds for existing ARRA projects, however, no increase in scope would be allowed; 2. Reduction in the local match, but not below the minimum set by MAG policy, for other federally funded projects that will obligate by the deadline; 3. Other local projects in the region that are eligible for ARRA funds and can obligate by the deadline. She noted that item four is relevant to regionwide transit projects: 4. Transfer funds to Transit. Ms. Yazzie stated that item five is to modify previous action by the Regional Council to change the November 30, 2009 obligation deadline to a project development status review to determine the likelihood to obligate by March 2, 2010 with a final obligation/project development status review deadline in January to be determined.

Ms. Yazzie noted that the Status Report on ARRA funds dated October 20 was included in the agenda packet. She advised that all of the MPO/Local projects are underway in varying degrees of the development process, and some have obligated. Ms. Yazzie noted that all but one of the Highway projects have obligated, and this one project represents \$3 million out of the \$130 million in MAG Highway ARRA funds. She added that two of the highway project contracts have been awarded.

Ms. Yazzie reviewed the FHWA recommendations to ensure awareness of the responsibilities of cities and towns in this process: 1) FHWA stresses the importance of the Local project sponsor’s responsibility for their project development, clearances, and documents. 2) Meetings, review of documents, and decisions need to be made by the local agency about their projects in an expedited manner and not take week(s) for action. 3) The local agency is the one responsible to submit all documents and clearances to ADOT and not the management consultant team.

Ms. Yazzie noted that this month MAG’s focus is on the MPO/Local ARRA funds. She noted that the Highway ARRA funds were discussed last month, and RPTA is discussing the Transit ARRA savings through its process.

Ms. Yazzie stated that project savings are anticipated through project bids and awards coming in below estimates and from projects not meeting the obligation deadline of March 2, 2010. Ms. Yazzie stated that the engineer's estimate for one project was \$45 million and the bid came in at \$22 million, about a 50 percent savings. Ms. Yazzie stated that staff has been asked the dollar amount of unobligated funds, but because no local project bids have been awarded, the exact dollar amount is not known, but that it is estimated to be in the range of \$10 million to \$30 million.

Ms. Yazzie stated that key factors that need to be considered as discussion moves forward include project eligibility per federal guidelines and the ability to obligate on time. She noted that the funds are "Use It or Lose It," and if those funds are not obligated, they are returned to Washington, D.C., and the MAG region will be unable to apply for ARRA funds that other regions or states do not obligate. Ms. Yazzie noted that MAG staff will be coordinating with ADOT, FTA and FHWA to ensure that MAG projects meet the factors.

Ms. Yazzie noted that discussion on the policy options will continue the next morning at the Transportation Review Committee meeting. She displayed the policy options for Local/MPO ARRA funds: 1) Providing additional ARRA funds for existing ARRA projects; 2) Reducing the local match, but not below the minimum set by MAG policy, for other federally funded projects that would obligate by the deadline; 3) Funding other local projects in the regional that are eligible for ARRA funds that could obligate by the deadline; 4) Allow local determination on the allocation of unspent funds to projects in their jurisdiction.

Ms. Yazzie advised that any MPO/Local ARRA funds, which fall under the guidelines of STP funds, cannot be used for operations and maintenance, and must be used for capital projects, however, funds could be transferred to Transit for capital projects, which could then free up money that could be used for operations and maintenance.

Ms. Yazzie stated that there is an approved backup list for Highway ARRA fund projects that totals about \$60 million. She displayed the timeline for future meetings and deadlines. Chair Neely thanked Ms. Yazzie for her report and asked members if they had questions.

Mayor Hallman stated that the TPC discussed this extensively and in an effort to streamline discussion, he would propose a motion with the understanding that it would not preclude discussion. He said that this motion was not to obligate funds, but to provide staff the opportunity to explore options in the event there are excess ARRA funds from project bid savings or from projects not obligating on time, rather than leave money on the table to go back to the federal government. Mayor Hallman stated that this would come back to the Regional Council for a final determination.

Mayor Hallman moved to approve that MAG staff explore and the TRC further review the following uses for the reallocation of unobligated ARRA be considered, with the priorities for the uses be set next month based on further consideration: 1. Additional ARRA funds for existing ARRA projects, however, no increase in scope would be allowed; 2. Reduction in the local match, but not below the minimum set by MAG policy, for other federally funded projects that will obligate by the deadline; 3. Other local projects in the region that are eligible for ARRA funds and can obligate by the deadline; 4. Transfer



funds to Transit; 5. Modify the November 30, 2009 obligation deadline to a project development status review to determine the likelihood to obligate by March 2, 2010 with a final obligation/project development status review deadline in January to be determined. Mayor Smith seconded.

Chair Neely asked if there was discussion of the motion. Hearing none, she called for a vote on the motion, which passed unanimously.

7. Consideration of Tentative Scenario for Balancing the Proposition 400 Regional Freeway and Highway Program

Eric Anderson, MAG Transportation Director, stated that the economy is still in recession. He displayed a map of the foreclosed residential properties for sale as of September 2009, which totaled about 13,500 properties. The next map showed a total of about 47,000 residential properties facing foreclosure as of September 2009. Mr. Anderson displayed a map of the two previous maps combined and noted that together they represent about 60,000 residences. Mr. Anderson commented that the numbers appear to be stabilizing and he has been hearing that the banks are trying to not flood the market with homes for sale. He stated that investors have shown a lot of interest in the housing market, and noted that if the investors cannot rent the units, they could foreclose on again.

Mr. Anderson reported that the sales tax revenue has been down for 23 of the last 24 months, and September 2009 revenue was 13.6 percent less than September 2008. He commented that the decline is not as steep as before, and they are hoping to see a better situation in the new year. Mr. Anderson said that the sales tax revenue is basically back to 2005 levels and four to five years of growth have been lost. Mr. Anderson noted that until this economic downturn, sales tax revenue in Maricopa County has never had a decline since tracking began in 1960. He advised that about \$3 billion of sales tax revenue has been lost.

Bob Hazlett, MAG Senior Engineer, provided a presentation on the tentative scenario that has been developed to address the funding gap in the Regional Freeway and Highway Program. He said that the Regional Transportation Plan budget is about \$9.4 billion and the ADOT cost opinion is approximately \$16 billion. Mr. Hazlett stated that projects obligated in FY 2010 total about \$2.7 billion and ADOT's cost opinion to complete the program is approximately \$13 billion. He noted that approximately \$6.6 billion is available to finish the program, leaving a deficit of \$6.6 billion.

Mr. Hazlett stated that the tentative scenario was based on four guiding principles: management strategies, value engineering, deferrals, and stay the course. He noted that management strategies (how the program is being administered) identified about \$800 million in cost savings, due to lower construction costs, right of way prices, and systemwide costs for such things as the freeway management system, costs for right of way acquisition, maintenance, noise mitigation, management consultants, and minor projects. Mr. Hazlett stated that the other guiding principles were value engineering, deferrals, and staying the course to maintain core enhancements.

Mr. Hazlett displayed a map of the project changes in the tentative scenario, and commented that the recommendations to bring the program in balance occur Valleywide. Mr. Hazlett stated that the value

engineering recommendations focused mostly on new corridors (Loop 303 from I-10 to I-17) and Loop 202 (South Mountain) and represent approximately \$1.7 billion in savings. He noted that the Regional Transportation Plan (RTP) estimate for Loop 303 was \$1.4 billion and the 2009 ADOT cost opinion was approximately \$2.9 billion. Mr. Hazlett reported that value engineering reduced the cost to complete the corridor about \$1.3 billion.

Mr. Hazlett stated that the ADOT cost opinion in June 2008 for the Loop 303/I-10 interchange was \$760 million, and this amount has been reduced to \$518 million, which might be further reduced to about \$400 million. He noted that the City of Surprise agrees with the alternative design for the US-60/Grand Avenue traffic interchange that will save about \$150 million and will retain service levels.

Mr. Hazlett indicated that staff is working with the City of Glendale, City of Peoria, City of El Mirage, and Maricopa County to get the best connection at the ramps at Northern Parkway and Loop 303 to accommodate travel demand.

Mr. Hazlett stated that the RTP included approximately \$1.1 billion for the South Mountain Freeway, and it appears the cost could be reduced to about \$1.9 billion from the ADOT cost opinion of about \$2.5 billion by utilizing the narrower Proposition 300 cross section, selecting a 59th Avenue alignment, and applying lower construction and right of way contingency costs. Mr. Hazlett replied that ADOT owns about 95 percent of the right of way needed in the Pecos Road corridor, alone, making this recommendation logical for the corridor.

Mr. Hazlett said that they looked at deferrals in three different categories: entire corridor deferral, general purpose land deferrals, and right of way preservation deferrals. He displayed a map of the deferrals and noted that the largest was the I-10 Reliever (SR-801) from SR-85 to Loop 202, which results in the Loop 303 from SR-801 to I-10 a likely candidate for deferral. Mr. Hazlett noted that an interim facility will be constructed on SR-802 from Ellsworth to Loop 202, but defer the rest of the corridor because the route in Pinal County is not yet defined.

Mr. Hazlett noted that the recommendation is to build out the HOV lane system on Loop 101 and Loop 202, and he noted that their construction in the median is a cost effective way to create capacity. He stated that the general purpose lane deferrals included those on the Agua Fria Freeway, I-17, SR-51, and Loop 202 from Gilbert Road to US-60 and US-60 to I-10. Mr. Hazlett said that they recommend general purpose lanes be constructed on the Pima and Price freeways and a section of Loop 202. Mr. Hazlett stated that the tentative scenario recommends the direct HOV (DHOV) ramps at the I-10 and I-17 interchanges be deferred at this time, due to the significant reconstruction of both traffic interchanges that would be required.

Mr. Hazlett stated that the tentative scenario recommends the right of way protection for SR-74 and Loop 303 be deferred.

Mr. Hazlett noted that included in the tentative scenario is a draft deferral policy for the TPC to consider because there needs to be some sort of policy to bring the projects back into the program. Mr. Hazlett stated that there are two principles in the draft policy: 1) Maintain the original project priority, and as

funds become available the projects could be brought back in. 2) Capture the cost savings from a deferred corridor.

Mr. Hazlett reviewed the stay the course recommendations, and he noted that the tentative scenario includes \$1 billion for I-17 from the I-10 Split to the Arizona Canal, adding more general purpose lanes on I-10 from Loop 101 to I-17, and improving the west Sky Harbor interchange to accommodate Homeland Security measures.

Mr. Hazlett stated that the management strategies could save about \$800 million, value engineering about \$1.7 billion, deferrals about \$4.1 billion, and stay the course about \$30 million, bringing the new regional freeway program cost opinion to about \$9.4 billion – the amount in the original RTP.

Mr. Hazlett stated that the tentative scenario includes recommendations on how to bring projects back into the program, how to do a better job of revenue monitoring, looking for opportunities for future funds, alternative funds, and other federal funds, project delivery methods, and right of way preservation. He advised that they recommend completing the environmental assessments for the deferred corridors in order to establish the centerlines. Chair Neely asked members if they had questions for Mr. Hazlett or Mr. Anderson.

Lt. Governor Joseph Manuel expressed that he understand this is a tentative scenario to balance the budget, because it is required by law. Lt. Governor Manuel stated that the Loop 202 has been controversial in the Gila River Indian Community, and he knew the proposed route is off the Community at this time. He stated that District 6 is the main district concerned with where Loop 202 goes and some Community members want no-build. Lt. Governor Manuel stated that he understood this because he is Chair of the Tribal Transportation Committee for the Community.

Lt. Governor Manuel stated that there are concerns about the sacred cultural site and they have a cultural resource program and currently are working with ADOT. He said that it is a good working relationship. They are looking at different alternatives and it is good to work together in that regard. Lt. Governor Manuel stated that they have people who want no-build and on the other hand, they have landowners who want the freeway built in the Community, and so it is a controversial issue.

Lt. Governor Manuel stated that they understand the window is closing for the opportunity if the freeway could go in the Community because the environmental impact statement (EIS) is nearing completion and there have been no requests for amendments to the EIS at this time. Lt. Governor Manuel stated that the Gila River Indian Community has not had a request from ADOT for alternatives, as well. He indicated that he had met with Governor Rhodes and their attorneys and the Governor would like an initiative for a vote of the people of the Community on this issue. Lt. Governor Manuel stated that as this moves forward on Pecos Road and around the Community, the main concern is the cultural site and they know their cultural resources program is being done with ADOT. He commented that he realized this action on a tentative scenario was to balance the budget.

Mayor Scott Smith expressed appreciation for Lt. Governor Manuel's comments. He asked for clarification of the statement that the Gila River Indian Community had not received a formal proposal from ADOT, and that he was hearing that the tribe might entertain such a proposal.

Lt. Governor Manuel replied that the tribe would look at that issue, but it has never been proposed to them.

Mayor Smith asked for clarification that he heard the tribe has a resolution in opposition.

Lt. Governor Manuel stated that District 6, one of the communities in the west end of the Gila River Indian Community, is on record as opposing Loop 202 either on the Community or off the Community. He said that they want no-build and the Council approved that resolution some time ago.

Chair Neely requested that Mr. Smith and Mr. Zubia let the State Transportation Board know that the Gila River Indian Community would like to see a proposal.

Mr. Smith stated that the scenario being considered tonight envisions a Pecos Road alignment, and there is an environmental impact statement (EIS) in process. He noted that when the EIS is completed, a supplemental EIS could be added if an alignment on Community lands is to be considered. Mr. Smith advised that the challenge is how to find the funds to pay allottees for their right of way, because the with the tentative scenario the Regional Council is considering tonight, projects are being deferred to Phase 5 to balance the program.

Chair Neely stated that an EIS process is underway and the Gila River Indian Community and ADOT are working on issues. She requested that Mr. Zubia keep those ideas in mind and if there are some things that need to be looked at, please ensure that happens and within the current budget.

Mr. Zubia extended his appreciation to the comments made by Lt. Governor Manuel and Mayor Smith because this is a sensitive subject and there are concerns. He also expressed appreciation for the hard work on this done by Mr. Smith, Mr. Anderson and Mr. Hazlett to get us to this point. Mr. Zubia stated that he did not want to take the EIS off track because it has been out there a long time, but this is a question worth exploring.

Chair Neely, for the record, asked for clarification that she heard that 90 percent of the necessary easement has been purchased by ADOT in the Ahwatukee area. Mr. Hazlett replied that was correct.

Mr. Arnett stated that this is his 13th year on the Regional Council, representing the State Transportation Board and the Citizens Transportation Oversight Committee, and this issue has been an ongoing concern all of those 13 years. He said that if there is a movement on the part of the Community, he felt it would be well to hear it out and understand it. Mr. Arnett commented that his last recollection was two votes against that proposition, and if something has changed, the Regional Council should be made aware of it. Mr. Arnett stated that he did not want to be a deterrent to slow down the process, but at the same time, he believed in providing the opportunity for the Community to do its due diligence and come forward with options.

Chair Neely asked if it was best to forward these comments to ADOT or for MAG to coordinate them. Mr. Smith replied that MAG has been working cooperatively with ADOT and the Gila River Indian Community and could put together a meeting.

Supervisor Wilcox stated that she had been involved in this issue for years, and was on the Phoenix City Council when Pecos Road was chosen as the alignment. She commented that she knew all options needed to be explored, but even though there are discussions, she would dislike giving false hope and did not want to delay this given the air quality issues. Supervisor Wilcox stated that it needs to move forward.

Chair Neely voiced her concurrence with Supervisor Wilcox.

Chair Neely recognized public comment from Charis Elliott, who said she was a concerned citizen. She said she was non-indigenous, although in solidarity with the Community, and owner of a small business that empowers women. Ms. Elliott mentioned that she was here to speak about money, convenience, and making economic growth happen. She stated that sustainability has to be addressed – the environmental impacts to noise and air quality and wildlife, and the lawsuits that will be filed. Ms. Elliott stated that indigenous people are romanticized in the United States, but they are a part of our culture. She commented that South Mountain is a sacred site and should be addressed in a way as one would a church or cemetery. Ms. Elliott stated that leaders need to find their cultural sensitivity and realize this is not about money, convenience, and making economic growth happen, which are frequently ignored because of the pressures of our capitalist system. Ms. Elliott's time expired and Chair Neely asked Ms. Elliott to conclude her comments because there were a lot of speakers. Ms. Elliott stated that if the freeway went through the Gila River Indian Community, frequent toxic dumping could occur. She also noted that Native American women are three times more likely to be sexually assaulted by non-Native men. Chair Neely thanked Ms. Elliott for her comments.

Chair Neely recognized public comment from Kevin Jose, who stated there should be no vote at all because they oppose against the freeway. Mr. Jose stated that South Mountain is a sacred site and their songs and oral traditions originate there. He stated that the freeway will bring cultural genocide to their way of life and the environmental impact will kill off the plant life used for medicinal purposes and the places where his people pray. Mr. Jose stated that the mountain was here before the City of Phoenix was established. He stated that he stood with the traditional way of life that is stronger than anything and cannot be twisted. Mr. Jose remarked that his ancestors cared for the sacred sites as one would take care of their children. He stated that he opposed this and if it is established, it will be killing a part of them. Mr. Jose thanked the Regional Council for the opportunity to speak. Chair Neely thanked Mr. Jose for his comments.

Chair Neely recognized public comment from Alex Soto, from the Gila River Indian Community, who expressed his opposition to the South Mountain Freeway. He remarked that South Mountain contains a lot of sacred sites, and is itself recognized as a sacred site. Mr. Soto stated that his great-grandparents are buried not far from where the freeway is proposed to be built, and he found it disrespectful to build the freeway, not only to those buried there, but to those still living. He felt it was unjust that people were not informed about meetings where the freeway was being discussed and did not know what was going

on. Mr. Soto stated that with this freeway, the cultural identities of the Community's youth will be lost, and it is a foot in the door for business to come in and change who they are. He commented that people tell them to be like the Salt River Pima-Maricopa Indian Community who allowed the Loop 101 to be built, however, that freeway cause a lot of negative impact to that Community. Mr. Soto stated that he wanted everyone to be balanced and what is balancing them is their way of life. He stated that other people – Ahwatukee, West Phoenix, and environmentalists – oppose the freeway. Mr. Soto asked why have growth for the sake of growth? It all comes back to money. He said that he was trying to ensure something remains for future generations, and he felt the freeway proposal was a smallpox blanket and would create sickness. Chair Neely thanked Mr. Soto for his comments.

Chair Neely recognized public comment from Wes Lines, a resident of Laveen, Chair of the Laveen Village Planning Committee, and former member of the South Mountain Community Advisory Team. Mr. Lines expressed his concurrence with Mr. Hazlett's comments and his support that the South Mountain Freeway be built. He stated that he resides on 51st Avenue and truckers use it to drive to Tucson via St. Johns. Mr. Lines said that there are fatalities on 51st Avenue and he explained that there are air quality issues because big trucks have to start and stop as they make their way to I-10. Mr. Lines stated that one of the speakers stated that West Phoenix does not want this freeway, and this is absolutely not true. Mr. Lines stated that he could not speak for Ahwatukee or the Gila River Indian Community, but as a member of the Planning Committee, residents ask him all the time when the freeway will be built. Chair Neely thanked Mr. Lines for his comments.

Chair Neely recognized public comment from Lori Riddle from the Gila River Indian Community, who has been a community organizer since the 1970s because her family was impacted by the Superfund Site there. She said that her grandparents historically believed that the mountains have special properties and that is why they pray there and respect the mountains. Ms. Riddle stated that environmental impact studies are no good for anything because they err on the side of the profit and money. She indicated that she had been through numerous EIS processes and she saw how they sway information. Ms. Riddle stated that her friend, Dave Harper, from the Colorado River Indian Tribe, says that the mountains are alive, and when one is destroyed, they are broken people because they never got a chance to say goodbye. Ms. Riddle stated that she attended the Regional Council meeting with community landowners. They understand that the tribal leadership is doing what it needs to do, but the landowners will have a say in what will happen. Ms. Riddle stated that this proposal has been on the table for decades, but it is not going to benefit anyone. Ms. Riddle stated that they were trying to preserve the land and the reservation. They are not against profit, they are against bad development that trespasses and dumps chemicals when they think no one is watching. Ms. Riddle stated that the freeway will not be good for their water source, the air quality, or for them as human beings. Chair Neely thanked Ms. Riddle for her comments.

Chair Neely recognized public comment from Darius Enos, from District 6, who said they have a cultural stake in the mountain, but he was here to discuss health issues. Mr. Enos stated that several hundreds of years ago, non-natives came to his tribe thirsty and were given water from the Gila River. Eventually the river was dammed up and nothing of it remains. He said that there is a settlement there now, but it took 100 years to enact. Mr. Enos stated that his tribe suffers from high rates of diabetes and obesity because they cannot grow crops because the water went to Phoenix for growth. He remarked

that the freeway will raise asthma and cancer rates, and he said that the effects of many chemicals on humans are unknown. Mr. Enos stated that when property rates increase, you sell, but they are not going anywhere for any amount of money. He said you should hear with your hearts and consciences. Mr. Enos stated that Laveen wants the freeway because it will increase property rates. He asked if members knew where their ancestors are buried, and if knowing this even mattered to them. Mr. Enos stated that he reburied many of his ancestors because some developer wanted to make money off the land. He commented that they have been pushed many times, but not this time. No matter what MAG decides today, it will not happen. Chair Neely thanked Mr. Enos for his comments.

Chair Neely recognized public comment from Cher Thomas, a resident of Tempe, originally from the Quiva Village in District 6. She expressed that she opposed the freeway, and she noted that her village is close to the proposed freeway and right off 51st Avenue. Ms. Thomas stated that she opposes the freeway because there is federal and state legislation that gives Native Americans the right to keep sacred sites sacred. If the freeway goes through, you will be violating federal and state law and will be fined and probably be sued. Ms. Thomas stated that she was here to defend her beliefs and rights. She said that she could see the mountain from her house, and added that it has been desecrated – by the park, the walkway, the trash cans, and people getting drunk. Ms. Thomas asked if it must be damaged further. She stated that she opposed the freeway in spite of the wealth it could provide to her, because her house will be destroyed. Ms. Thomas stated that her family owns 12 acres along Pecos Road and another 30 acres in the northern area, 12 acres of which were left to her by her father who recently passed away. She vowed that she would not sign her land away; her father opposed the freeway and so did she. Chair Neely thanked Ms. Thomas for her comments.

Chair Neely asked the Council if they had any questions.

Councilman Esser moved to approve a tentative scenario for the MAG Regional Freeway and Highway Program to balance the Proposition 400 Regional Freeway and Highway Program and to incorporate it into the Regional Transportation Plan 2010 Update and the FY 2011-2015 MAG Transportation Improvement Program, with the understanding that due to the present cost and revenue uncertainties that this represents a placeholder and the program will be reevaluated in 18 months.

Vice Chair Schoaf, upon seconding the motion, expressed his appreciation to MAG staff for putting this program together and providing a detailed review, and to the Regional Council for allowing time for each part of the Valley to evaluate the impacts of the changes on their areas before voting on it.

Supervisor Wilcox stated that there are always issues with freeways, and noted that she had been an elected official for 25 years and was around when the I-10 Freeway was put through Central Phoenix. Supervisor Wilcox stated that MAG has done the best job anyone could, particularly with the value engineering that will reduce the size, but will still move people. She expressed that we need to be thoughtful in dealing with the Native American communities and she appreciated everyone who attended the meeting, but she believed this needed to move forward. She asked that, as money becomes available, if the plan was going to be reevaluated in 18 months, particularly SR-801 which is highly anticipated by the West Valley. Mr. Smith replied that was correct. He noted that this situation is similar to what happened with Proposition 300, but this is much worse. Mr. Smith stated that this is why this scenario

represents a placeholder because they will look at construction costs, revenue, and potential additional federal funds. He remarked that the idea is to keep projects in line and see what could be put back in, and he noted how MAG brought projects back in in 1996 and 1999. Mr. Smith commented that there is hope, but the brutal truth needs to be confronted that there is not enough money right now and the program needs to be balanced.

Supervisor Wilcox indicated that she supported the motion with the caveat that other mechanisms would be looked at.

Chair Neely, for the record, reviewed the history of the South Mountain Freeway. She said that in 1985, Maricopa County voters approved the funding for the MAG Regional Freeway System, which included the South Mountain Freeway, connecting I-10 in the Southeast Valley with I-10 in the West Valley. In 1988, the State Transportation Board approved the alignment for the South Mountain Freeway, running north and south connecting from I-10 west near 55th Avenue and west and east along Pecos Road. Chair Neely stated that in 2004, the voters reaffirmed support for the South Mountain Freeway with their approval of Proposition 400. She noted that in 2001, ADOT and the FHWA began the environmental impact statement on the Freeway. Chair Neely stated that all of the comments were put on the record today. She commented that she realized these are tough issues, but we need to keep moving forward. Chair Neely added that options that can be worked without stopping progress could be considered.

With no further discussion, Chair Neely called for a vote on the motion, which passed, with Lt. Governor Manuel abstaining.

8. ASU North American Center for Transborder Studies Report Update

Mr. Smith stated that staff is requesting approval of a resolution of planning coordination with the Maricopa Association of Governments (MAG), Pima Association of Governments (PAG), and Central Arizona Association of Governments (CAAG), and for the MAG Chair to sign the resolution at a future joint meeting.

Mr. Arnett moved approval of a resolution of planning coordination with the Maricopa Association of Governments (MAG), Pima Association of Governments (PAG), and Central Arizona Association of Governments (CAAG) and for the MAG Chair to sign the resolution at a future joint meeting of MAG, PAG, and CAAG. Supervisor Wilcox seconded, and the motion passed unanimously.

Supervisor Wilcox stated that there will be a plenary session on the Arizona/Sonora, Mexico Commission in early December. She requested that the information be provided to them because there is a lot of interest in moving this forward.

9. Legislative Update

No report.



10. Request for Future Agenda Items

No requests were noted.

11. Comments from the Council

An opportunity will be provided for Regional Council members to present a brief summary of current events. The Regional Council is not allowed to propose, discuss, deliberate or take action at the meeting on any matter in the summary, unless the specific matter is properly noticed for legal action.

Mr. Arnett requested faith and prayers for Mr. Jack Lunsford during his illness. Chair Neely requested that a card be prepared for Mr. Lunsford on behalf of MAG.

Lt. Governor Manuel invited everyone to the opening of the premier hotel and casino in Arizona, Wild Horse Pass, located at the Loop 202 and I-10. He noted that the more than 50 percent of the facility's employees are non-native. He commented that this is good for the economy and for partnerships.

12. Adjournment

There being no further business, Supervisor Wilcox moved to adjourn the Regional Council meeting. Mayor Rogers seconded, and the meeting adjourned at 6:35 p.m.

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Chair

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Secretary